

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

TAWANA T. JOHNSON

PETITIONER

v.

No. 3:25-cv-114-SA-RP

SUPERINTENDENT FNU WRENN

RESPONDENT

ORDER TRANSFERRING CASE TO THE  
FIFTH CIRCUIT COURT OF APPEALS

This matter comes before the court, *sua sponte*, for consideration of the transfer of this cause.

Tawana T. Johnson has filed a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254.<sup>1</sup> [1] Liberally construed, Johnson challenges her 2015 conviction and sentence for possession with intent to sell marijuana and resulting ten (10) year sentence in the Circuit Court of DeSoto County, Mississippi. The petitioner has filed at least two other unsuccessful 2254 motions concerning the same conviction which she now seeks to challenge. *Johnson v. State of Mississippi, et al.*, 3:23-cv-387-MPM-JMV and *Johnson v. State of Mississippi, et al.*, 3:21-cv-166-DMB-JMV. The Antiterrorism and Effective Death Penalty Act requires that before a district court files a second or successive petition, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” The petitioner has not obtained such an order. Rather than dismissing the petition on this basis, the Fifth Circuit permits district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(c). *See In re Epps*, 127 F.3d 364, 365 (5<sup>th</sup> Cir. 1997).

Therefore, in the interest of justice and judicial economy, it is ORDERED:

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<sup>1</sup> Petitioner used a 28 U.S.C.A. § 2241. However, based on the claims made by Petitioner, this petition is actually a 28 U.S.C.A. §2254 petition.

1) That this petition will be transferred to the Fifth Circuit Court of Appeals for the petitioner to seek leave to file this successive § 2254 petition;

2) That the Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. §2244(a) and (b)(3)(c), and *In re Epps*, 127 F.3d at 365; and

3) That this case is CLOSED.

SO ORDERED, this, the 10th day of April, 2025.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE